

**MINUTES OF THE
EDUCATION INTERIM COMMITTEE**

Wednesday, June 15, 2011 – 9:00 a.m. – Room 445 State Capitol

Members Present:

Sen. Howard A. Stephenson, Senate Chair
Rep. Bill Wright, House Chair
Sen. Lyle W. Hillyard
Sen. Karen W. Morgan
Sen. Wayne L. Niederhauser
Sen. Aaron Osmond
Sen. Jerry W. Stevenson
Sen. Daniel W. Thatcher
Rep. Johnny Anderson
Rep. Patrice M. Arent
Rep. LaVar Christensen
Rep. Steven Eliason
Rep. Gregory H. Hughes

Rep. John G. Mathis
Rep. Kay L. McIff
Rep. Carol Spackman Moss
Rep. Merlynn T. Newbold
Rep. Jim Nielson
Rep. Val L. Peterson
Rep. Marie H. Poulson
Rep. Kenneth W. Sumsion

Staff Present:

Ms. Constance C. Steffen, Policy Analyst
Ms. Allison M. Nicholson, Policy Analyst
Ms. Angela Oakes Stallings, Associate General Counsel
Ms. Debra Hale, Legislative Secretary

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Committee Business

Chair Wright called the meeting to order at 9:15 a.m.

MOTION: Rep. Arent moved to approve the minutes of the May 18, 2011 meeting. The motion passed unanimously with Sen. Morgan, Sen. Niederhauser, Sen. Stevenson, Rep. Anderson, Rep. Christensen, Rep. Hughes, Rep. Mathis, Rep. Newbold, and Rep. Sumsion absent for the vote.

2. Statewide Online Education Program Implementation

Ms. Steffen provided background information on the funding formula for the Statewide Online Education Program (Program), created in 2011 General Session S.B. 65, “Statewide Online Education Program.”

Mr. Larry Shumway, State Superintendent, Utah State Board of Education (USBE), commented on the Board’s support for the Program, its powerful future, and its implementation. He discussed rules that the Board is developing. Supt. Shumway noted some key concerns and challenges that high schools are encountering, including where to physically house and supervise students if they are enrolled for an online course during the school day, how to determine when a student is actually enrolled in an online course, and how that affects funding and liability issues.

Mr. Kory Holdaway, Director, Government Relations and Political Action, Utah Education Association, commented on issues he sees with the Program, including the statutory funding formula, computer hardware issues, supervision of students, and selection of providers.

Ms. Kim Frank, Utah Charter Network, noted that the Program affects different charter schools differently.

Mr. Steve Whitehouse, Chief Financial Officer, Karl G. Maeser Preparatory Academy, expressed his concerns regarding how the Program could affect his school's finances, including the potential for fraud and the difficulty in estimating how many students will enroll in online courses. Mr. Whitehouse explained that his school has an enrollment cap and cannot fill the seats of students who choose online

course work. He explained that he has no way to recover the school's fixed costs when it pays money to an online provider in the Program.

Mr. Clark Baron, Principal, Utah County Academy of Sciences, noted that his school utilizes preferred accredited online providers in Utah, and expressed concerns that additional providers may not meet his school's criteria. Mr. Baron also expressed his school's concern with the availability for increased credits over time, and how this would affect funding, given the school's enrollment cap.

Dr. Patti Harrington, Executive Director, Utah School Superintendents Association (USSA), summarized the USSA's concerns with the Program, including existing online options through the electronic high school, liability of students during open periods, fiscal issues for smaller districts and schools, the need for more local control with possibly a mandate for districts to provide online options, the need to allow districts to negotiate Program costs with online providers, and too much emphasis being placed on a unit cost of a student.

Ms. Jennifer Scott, parent, Jordan District High School student, discussed her son's experience in enrolling for online courses, and the logistics of coordinating her son's school schedule.

Ms. Judi Clark, Executive Director, Parents for Choice in Education, voiced support for policies that address the needs of students, and discussed school districts and charter schools that are supportive of the Program and already preregistering students.

3. Sunset Review of Utah Code Section 53A-1-403.5, Education of persons in custody of the Utah Department of Corrections

Ms. Steffen reported that staff met with representatives of the Utah State Board of Education (USBE), Utah State Board of Regents, and Utah Department of Corrections (UDC) at the direction of the Committee to discuss changes to Section 53A-1-403.5. She referred to 2012 General Session draft legislation, "Corrections Education Amendments," previously mailed to the Committee.

Mr. Craig Burr, Division Director of Programming, UDC, informed the Committee that the UDC had its highest high school graduation rate on record, and that the classrooms are full. UDC provides a full technical educational program. Mr. Burr pointed out that many offenders have a low literacy level and UDC works to raise them to an eighth-grade literacy level.

Dr. Brenda Hales, Associate Superintendent, Utah State Office of Education, stated there is great interaction between instructors and offender students. She noted that national data indicates that high school graduation and completion of educational programs have a profound effect on paroled offenders' ability to gain employment and not reoffend. Dr. Hales recommended to the Committee that they include language in the bill that provides an ongoing discussion of recidivism reduction.

David L. Buhler, Associate Commissioner, Utah System of Higher Education, expressed support of the committee draft legislation.

MOTION: Sen. Niederhauser moved to instruct staff to make changes to 2012 General Session draft legislation, "Corrections Education Amendments" to include further higher education options for prisoners.

SUBSTITUTE MOTION: Sen. Stephenson made a motion to move on to the next item on the agenda and return to the issue at a future meeting. The motion passed unanimously.

4. Consideration of Proposed Legislation, "College and Career Readiness Assessment"

Sen. Dayton introduced and discussed 2012 General Session draft legislation, "College and Career Readiness Assessment" (2012FL-0043/008), which was previously mailed to the Committee.

Mr. David Thomas, Member, USBE, expressed the Board's support to modify the Utah Performance Assessment System for Students, including requirements for school districts and charter schools to administer college and career readiness assessments adopted by the USBE instead of the Utah Basic Skills Competency Test. He also discussed differentiated diplomas.

Ms. Debra G. Roberts, Chair, USBE, discussed the requirements of college and career readiness. She stated that certain assessments, which may help indicate college and career readiness, were not meant to be used as high stakes tests.

MOTION: Rep. Mathis moved to endorse concepts in the 2012 General Session draft legislation, "College and Career Readiness Assessment," and encourage the sponsor to bring the legislation back to the Committee for later endorsement. The motion passed unanimously with Sen. Niederhauser, Rep. Anderson, Rep. Nielson, and Rep. Peterson absent for the vote.

5. Consideration of Proposed Legislation, "Statewide Adaptive Testing"

Rep. Hughes introduced and discussed 2012 General Session draft legislation, "Statewide Adaptive Testing" (2012-FL0102/003), which was previously mailed to the Committee.

Mr. Thomas distributed and discussed the handout, "Why Computer Adaptive Testing?" and explained that with the implementation of Computer Adaptive Testing (CAT), student test scores increased as teachers were better able to adapt lesson plans and curriculum to the needs of their students. Mr. Thomas petitioned the Committee for support of CAT.

Ms. Roberts explained that, with CAT, students, their teachers, and parents are better informed of students' educational progression at the beginning, middle, and end of the year, enabling them to set goals and adapt lesson plans.

Mr. John Jesse, Educational Director, Assessment and Accountability, USOE, provided further information on CAT.

6. School Board Elections

Due to time constraints, this agenda item was not heard.

7. Other Items/Adjourn

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MOTION: Rep. Nielson moved to adjourn the meeting. The motion passed unanimously with Sen. Hillyard, Sen. Niederhauser, Sen. Osmond, Sen. Stevenson, Sen. Thatcher, Rep. Anderson, Rep. Mathis, Rep. Peterson, and Rep. Sumsion absent for the vote.

Chair Stephenson adjourned the meeting at 12:10 p.m.